

INDEX-DIGEST

TO THE EDITORIALS, NOTES OF RECENT DECISIONS, LEADING
ARTICLES, ANNOTATED CASES, LEGAL NEWS, CORRESPONDENCE AND BOOK REVIEWS IN VOL. 75.

A separate subject-index for the "Digest of Current Opinions" will be found on page 476 following this Index-Digest.

ADMIRALTY,

the jurisdiction of state courts over maritime vessels engaged in interstate and foreign commerce, 257.

ALIMONY, WITHOUT DIVORCE,

Independent action for alimony, 427.

APPEAL AND ERROR,

"one judge decisions" in appellate courts, 37.
appellate court entering final judgment on the merits, 400.

ATTORNEY AND CLIENT,

attorney as co-conspirator with his clients, 365.

AUTOMOBILE,

responsibility of head of family for negligence of member in use of automobile, 43.
making it penal offense for automobilist to refuse information of crime against himself, 125.

BAIL,

validity of express contract to indemnify bail in a criminal case, 78.

BANKS AND BANKING,

character of deposit by trustee determined by his authority to make it, 346.

BILLS AND NOTES,

constitution of uniform negotiable instruments law, 13.
parol evidence as to status of signer of negotiable instrument, 14.
right of maker of note based on illegal consideration to recover for its transfer to innocent holder, 155.

BLUE SKY LAW,

Kansas "Blue Sky Law," 221.

BOOKS RECEIVED,

19, 63, 159, 267, 285, 303, 375, 447.

BREACH OF MARRIAGE PROMISE,

exemplary damages and aggravation of damages in breach of promise of marriage, 355.

CARRIERS,

requiring street cars to carry children at reduced rates, 221.
validity of stipulation on free pass exempting railroad from liability for negligence, 248.
anticipating injury to arise from misconduct of passengers, 256.
responsibility for acts of insane employee, 274.
passengers on excursion train stabbed by riotous passenger, 364.

COMMERCE,

when transportation between two points in same state is interstate commerce, 228.

COMMISSION ON UNIFORM STATE LAWS,

See UNIFORM LAWS.

COMPENSATION,

See WORKMEN'S COMPENSATION.

CONSPIRACY,

multiple jurisdiction in statutory conspiracy, 105.

CONSTITUTIONAL LAW,

See COMMERCE.
See POLICE POWER.
making it penal offense for automobilist to refuse information of crime against himself, 125.
requiring street cars to carry school children at reduced rates, 221.
sovereignty, 223.
constitutional obligations and woman's citizenship, 244.
sterilization of convicts as being a constitutional punishment, 309.
protection of laborers and materialmen on federal public works, 367.
state enabling acts for admission trenching on police power, 418.
new constitution of Ohio—power of courts to review acts of the legislatures, 437.

CONSTITUTIONALITY,

arousing the public mind against the judicial prerogative to determine the constitutionality of legislation, 229.

CONTEMPT,

travails of Missouri Supreme Court with questions about contempt, 201.

CONTRACT,

contract made over telephone extending across county lines, 71.
validity of contract between two parties restricting the right of one of them to settle a controversy with a third person, 291.
the doctrines of locus poenitentiae and par delictum in their application to illegality of contract, 312.
duress in threat of prosecution of offender, 383.

CORPORATIONS,

responsibility of directors for amount of judgment against corporation in libel suit, 69.
avoidance of the trust fund theory in the issue of stocks, 329.
the right of a private corporation against being brought into public contempt and ridicule, 345.

COURTS.

See **FEDERAL COURTS.**

the judicial method of making and unmaking laws, 54.
the public and the courts, 62.
"one judge decisions" in appellate courts, 87.
oral opinions from the bench as indicating a strong judiciary, 90.
our supply of judges, 133.
our national judicial system, 184.
travails of Missouri Supreme Court with questions about contempt, 201.
the function of a court in applying state law, 219.
the jurisdiction of state courts over maritime vessels engaged in interstate and foreign commerce, 257.
the writ of procedendo, 275.
one judge decisions—a judicial viewpoint, 281.
limitations on federal courts in administering state law, 330.
are rules of court obligatory? 384.
new constitution of Ohio—power of courts to review acts of legislatures, 437.

CRIMINAL EVIDENCE,
confessions, 347.**CRIMINAL LAW,**

habitual criminal legislation, 51.
sterilization of criminals, idiots and insane, 91.
multiple jurisdiction in statutory conspiracy, 105.
making it penal offense for automobilist to refuse information of criminal against himself, 125.
initiating crime in one state and completing it in another, 327.

CRIMINAL TRIAL,

lessons in regard to trial court instructions to be drawn from recent criminal cases, 417.

DAMAGES,

punitive damages against one only of two defendants, 71.
apportioning as between two commingling causes, 143.

DANGEROUS ARTICLES,

liability of merchants as to articles of explosive character, 106.

DEPARTMENT STORES,

the law as to department stores, 73.

DIGEST OF CURRENT OPINIONS,

20, 46, 64, 82, 100, 118, 136, 160, 179, 197, 214, 232, 250, 268, 286, 304, 322, 340, 358, 376, 396, 412, 430, 448, 466.

DIVORCE,

report of the British commission on divorce, 435.

DOWER,

antenuptial contracts barring dower, 97.

EMPLOYER'S LIABILITY,

displacement of relief fund arrangements by interstate carriers, 70.
pleading—counts in petition for injury upon employer's liability statute and upon state laws, 454.

EQUITY RULES,

the new rules of practice for the federal courts of equity as they abrogate, modify or preserve the old rules, 361.
rules of practice for the courts of equity of the United States, 385.
the old rules of practice for federal courts of equity, 399.
the new equity rules—a reflection, 410.

ETHICS,

See **LEGAL ETHICS.**

EVIDENCE,

parol evidence as to status of signer of negotiable instrument, 14.
"slipping in" irrelevant evidence, 81.
questioned ink marks—human dynamograms, 108.
admissibility of writings otherwise irrelevant for comparison of handwriting, 302.
confessions, 347.
the parol evidence rule and the doctrine of conclusiveness of judgments, 446.
quashing indictment as not being supported by any competent evidence, 453.

EXECUTORS AND ADMINISTRATORS,

executors and administrators—setting aside fraudulent conveyance as making land subject to administration, 183.
executors and administrators' plea of statute of limitations by executor as to personal debt to estate, 436.

EXPLOSIVES,

liability of merchants as to articles of explosive character, 106.

FEDERAL COURTS,

our national judicial system, 184.
the function of a court in applying state law, 219.
limitations on federal courts in administering state law, 330.
the new rules of practice for the federal courts of equity as they abrogate, modify or preserve the old rules, 381.
rules of practice for the courts of equity of the United States, 385.
the old rules of practice for federal courts of equity, 399.
the new equity rules—a reflection, 410.

FIRE INSURANCE,

waiver of breach of conditions in insurance policy by demanding proofs and adjusting loss, 293.
proposed insurance accepted after loss, 464.

FRAUD AND DECEIT,

Kansas "Blue Sky Law," 221.

FRAUDS, STATUTE OF,

sufficiency of memorandum to take contract out, 3.

GAMBLING,

obligation of agent to account to principal for money collected in the execution of an illegal contract, 373.

GARNISHMENT,

contents of safety deposit box, 52.

GOOD WILL,

restrictions on vendor in the sale of good will, 178.

HANDWRITING,

questioned ink marks—human dynamograms, 108.
admissibility of writings otherwise irrelevant for comparison of handwriting, 302.

HOME RULE,

shall we have "home rule" for the police departments of our large cities? 183.

HUMOR OF THE LAW,

19, 45, 63, 81, 99, 117, 135, 159, 178, 196, 213, 231, 249, 267, 285, 303, 321, 339, 357, 376, 396, 411, 429, 447, 465.

HUSBAND AND WIFE.

- selling dangerous drug to husband after notice by wife, 3.
- responsibility of head of family for negligence of member in use of automobile, 43.
- independent action for alimony, 427.

ILLEGALITY.

- validity of express contract to indemnify ball in a criminal case, 78.
- evidence of participation by vendor in vendee's intent to devote goods to unlawful purpose, 115.
- validity of contract between two parties restricting the right of one of them to settle a controversy with a third person, 291.
- the doctrines of locus poenitentiae and par delictum in their application to illegality of contract, 312.
- obligations of agent to account to principal for money collected in the execution of an illegal contract, 373.

INDICTMENT.

- quashing indictment as not being supported by any competent evidence, 453.

INITIATIVE, REFERENDUM AND RECALL.

- recall of judges and decisions, 25.
- the recall of judicial decisions as a remedy, 25.
- a judicial affirmative of the recall, 28.
- Pontius Pilate's judgment and recall, 33.
- the recall of decisions—a fallacy, 35.
- recall of judges—a warning, 44.
- foreign opinion on recall of judicial decisions, 45.
- the recall an ancient invention, 45.
- the recall of judges—a good suggestion, 98.
- Pontius Pilate and the recall, 117.
- the "recall" as a discarded political contrivance, 315.

INNKEEPERS.

- question of one being guest or boarder generally one of fact, 319.

INSTRUCTIONS.

- See CRIMINAL TRIAL.

INTOXICATING LIQUORS.

- ordinance prohibiting saloon keeper from permitting treating, 107.
- recovery of liquor shipped to consignee without its being previously ordered, 292.

JOINT TORT FEASORS.

- setting aside verdict for the reason that there was error in holding defendants might both be liable, 346.

JUDGMENTS.

- the parol evidence rule and the doctrine of conclusiveness of judgments, 446.

JUDGES.

- judges as candidates for political offices, 237.

JURIES AND JURY TRIAL.

- has our conception of trial by jury anything to do with the delays and uncertainties in the administration of justice? 404.

JURISPRUDENCE.

- social justice and legal justice, 455.

LABOR UNIONS.

- discharge of employee for refusing to abandon labor organization, 363.

LANDLORD AND TENANT.

- the meaning of exception clause in leases referring to "damage by the elements," 338.

LARCENY.

- sufficiency of intent to constitute larceny, 133.
- distinction between states *inter sese* and a state and a foreign country in larceny prosecutions, 212.
- asportation by the act of another, 239.

LAW AND LAWYERS.

- the judicial method of making and unmaking laws, 54.
- the American abroad, 79.
- preliminary notice—American Bar Association, 98.
- the campaign for increase of membership in the American Bar Association, 116.
- the 1912 meeting of the American Bar Association, 80, 158.
- meeting of the Michigan Bar Association, 159.
- stories of English law and lawyers, 203.
- drifting from the old moorings, 238.
- what is coming? 240.
- the value of Conrat's Researches, 374.
- news items from the legal world of continental Europe, 311.
- meetings of bar associations—when and where to be held, 429, 446.
- social justice and legal justice, 455.

LAW BOOKS.

- Miscellaneous.
- constitution and enabling act of Oklahoma, 99.
- Johnson and Huebner on railroad traffic and rates, 117.
- Farrand records of federal convention, 1787, 196.
- Reviews of Digests.
- Howland's digest of opinions of judge advocates general, 321.
- Reviews of Reports.
- public service commission reports, N. Y., 63.
- American cases annotated, 1912, A, B, C, 375.
- Street Railway Reports, Vol. 7, N. Y., 411.
- Reviews of Text Books.
- Remington on bankruptcy, students' ed., 63.
- Thompson on trials, second edition, 81.
- Chamberlayne on modern law of evidence, vol. 3, 99.
- Wiel's water rights in the western states, 3rd ed., 213.
- Snell's equity, analysis, 10th edition, 303.
- Collier on bankruptcy, 9th edition, 303.
- Judson on interstate commerce, second edition, 321.
- Booth on street railways, second edition, 375.
- Thornton's Federal Employers' Liability and Safety Appliance Acts, second edition, 410.
- Black's Law of Judicial Precedents, 411.

LEGAL ETHICS.

- judges as candidates for political offices, 237.
- the code of ethics and its enforcement, 419.

LIMITATIONS.

- making new party as regards statute of limitations, 444.

MAILS.

- See POST OFFICE.

MASTER AND SERVANT.

- responsibility of head of family for negligence of member in use of automobile, 43.
- removal of assumption of risk by master's promise to repair defect, 124.
- guarding machinery as affecting the question of assumption of risk, 195.
- responsibility of amusement park proprietor for negligence of concessioners, 265.

MASTER AND SERVANT (Continued).

discharge of employee for refusing to abandon labor organization, 363.

MECHANIC'S LIEN,

protection of laborers and materialmen on federal public works, 367.

MONOPOLIES,

combination between different owners of distinct patents, 255.
state legislation forbidding sales for the purpose of destroying competition, 293.

MUNICIPAL CORPORATIONS,

action over by city against owner of dangerous billboard, 202.

NATURALIZATION,

retrospective legislation authorizing the setting aside of certificates of naturalization, 53.

NEGLIGENCE,

validity of stipulation on free pass exempting railroad from liability for negligence, 248.

NOTES OF RECENT CONTINENTAL DECISIONS, 401.**NOTES OF RECENT DECISIONS IN BRITISH COURTS,** 72, 365.**OFFICER AND OFFICERS,**

responsibility of sureties for acts done colore officii, 61.

PATENTS,

profits arising out of infringement inextricably mingled with those of non-infringing improvements, 89.
combination between different owners of distinct patents, 255.

PHYSICIANS AND SURGEONS,

physicians and surgeons—authority of surgeons to perform different operation than patient has consented to, 166.

PLEADING,

counts in petition for injury upon employer's liability statute and upon state laws, 454.

POLICE POWER,

taking the lid off of the police power, 314.
state enabling acts for admission trenching on police power, 418.

POST OFFICE,

newspaper reports of criminal trials as indecent literature, 310.

PRINCIPAL AND AGENT,

obligations of agent to account to principal for money collected in the execution of an illegal contract, 373.

PROCEDENDO,

the writ of procedendo, 275.

PROCEDURE,

See TRIAL AND PROCEDURE.

RAILROADS,

validity of stipulation on free pass exempting railroad from liability for negligence, 248.
carriers—anticipating injury to arise from misconduct of passengers, 256.

RATE REGULATIONS,

determining probable net income in advance of experience delusive, 89.

RECALL,

See INITIATIVE, REFERENDUM AND RECALL.

REFERENDUM,

See INITIATIVE, REFERENDUM AND RECALL.

REFORM IN PROCEDURE,

our special issues on procedural reform, 123.
let Congress set the supreme court free to reform procedure on the law side, 126.
reform in the judicial administration of justice, 127.
amendment of rules of supreme court of the United States, 135.
evolution in the movement for reform of procedure, 141.
"suit on motion" in Virginia and West Virginia, 143.
reform in legal procedure from the practitioner's standpoint—a review of the New Jersey act, 144.
the scientific attitude toward reform in procedure, 147.
cardinal principles to be observed in reforming procedure, 150.
shall there be a definite organization to co-ordinate our carrying into effect definite plans for reform in procedure? 159.
the new practice act (1912) of New Jersey, 165.
tentative suggestions for the proposed Missouri practice act, 167.
argument in favor of "tentative suggestions" for reform in procedure formulated by the Missouri State Bar Association, 168.
reform in criminal procedure, 231.
reform in procedure—a protest, 231.
suggested reforms in legal procedure, 266.
suggestions for reforming judicial administration—constitutionality of law to be determined before its passage, 284.
the Missouri tentative practice act, 320.
are we drifting from the old moorings? 329.
the new rules of practice for the federal courts of equity as they abrogate, modify or preserve the old rules, 361.
rules of practice for the courts of equity of the United States, 355.
the old rules of practice for federal courts of equity, 399.
reform of legal procedure in England, 402.
has our conception of trial by jury anything to do with the delays and uncertainties in the administration of justice? 404.
the new equity rules—a reflection, 410.

SALES,

contracts of resale under the uniform sales act, 18.
liability of merchants as to articles of explosive character, 106.
evidence of participation by vendor in vendee's intent to devote goods to unlawful purposes, 115.
restrictions on vendor in the sale of good will, 178.

SHERIFFS AND CONSTABLES,

responsibility of sureties for acts done colore officii, 61.

STATES,

sovereignty, 223.
enabling acts for admission trenching on police power, 418.

STATUTES,

new constitution of Ohio—power of courts to review acts of legislatures, 437.
the judicial method of making and unmaking laws, 54.

STERILIZATION,

of criminals, idiots and insane, 91.

SURETY AND SURETYSHIP,

responsibilities of sureties for acts done
colore officii, 61.
validity of express contract to indemnify
ball in a criminal case, 78.

TELEGRAPHS AND TELEPHONES,

responsibility of telephone company for in-
jury to third person by individual wire of
patron, 273.
establishing free delivery limits as affect-
ing delivery of telegrams, 280.

TORTS,

selling dangerous drug to husband after no-
tice by wife, 3.
liability of merchants as to articles of ex-
plosive character, 106.
setting aside verdict for the reason that
there was error in holding defendants
might both be liable, 346.

TRIAL AND PROCEDURE,

See **CRIMINAL TRIAL**.
See **REFORM IN PROCEDURE**.
lessons in regard to trial court instructions
to be drawn from recent criminal cases,
417.
has our conception of trial by jury anything
to do with the delays and uncertainties
in the administration of justice? 404.

TRUSTS AND TRUSTEES,

character of deposit by trustee determined
by his authority to make it, 346.
liability of trust created by settlor for his
benefit to subsequent creditors, 409.

UNIFORM LAWS,

what the commissioners on uniform law are
doing for the people of the United States,
1.
its progress and prospects, 4.
what the conference of commissioners on
uniform state laws did last year—a sum-

UNIFORM LAWS (Continued).

mary by the secretary of the conference,
5.
the commission on uniform state laws—
what it is, what it has done, and what it
needs, 6.
who pays the bills of the conference of
commissioners of uniform state laws? 10.
shall there be a uniform act on the sub-
ject of workman's compensation, 10.
uniform laws which have been adopted in
the various states, 16.
officers of the conference of uniform state
law, 16.
list of committees of the conference of uni-
form state law, 17.
contracts of resale under the uniform sales
act, 18.
announcement of the next meeting of the
conference on uniform state laws, 19.
world-wide interest in the subject of uni-
formity of law, 134.

UNIFORM IN PROCEDURE,

committee on uniform judicial procedure,
357.

UNION LABOR,

See **LABOR UNIONS**.

WILLS,

original probate elsewhere than at domi-
cile of testator, 27.
joint wills as proving irrevocability by the
survivor, 142.

WORK AND LABOR,

See **LABOR UNIONS**.

WOMEN'S SUFFRAGE,

constitutional obligations and woman's
citizenship, 244.

WORKMEN'S COMPENSATION,

shall there be a uniform act on the sub-
ject of workman's compensation? 10.

SUBJECT-INDEX

TO ALL THE "DIGESTS OF CURRENT OPINIONS" IN VOLUME 75.

This subject-index contains a reference under its appropriate head to every digest of current opinion which has appeared in the volume. The references, of course, are to the pages upon which the digest may be found. There are no cross-references, but each digest is indexed herein under that head, for which it would most naturally occur to a searcher to look. It will be understood that the page to which reference, by number, is made, may contain more than one case on the subject under examination, and therefore the entire page in each instance will necessarily have to be scanned in order to make effective and thorough search.

Arbitration and Award—executory agreement, 430; jurisdiction, 46; procedure, 358; setting aside, 376; violating, 304.

Account Stated—running account, 358.

Adverse Possession—oral partition, 197; void tax deed, 250.

Allens—Chinese woman, 286.

Alteration of Instruments—bills and notes, 187; burden of proof, 322; memorandum, 46; stranger, 46.

Annuities—joint annuitants, 160.

Arson—wife's property, 179.

Assault and Battery—evidence, 250; self-defense, 214, 250.

Assignments—assignability, 268; check, 250; equity, 412; guaranty of rent, 82; implied warranty, 268; installments, 100; priority, 232.

Assignments for Benefit of Creditors—interest assigned, 136; mortgage, 118, 340.

Assistance, Writ of—restoration, 118.

Attachment—affidavit for, 136; amendment, 179; caveat emptor, 340; description of property,

82; indorser, 358; liens, 412; practice, 160; priority, 250; sealed parcel, 46.

Attorney and Client—accounting, 376; attorney's lien, 304; authority of attorney, 179, 250; compensation, 412; confidential relations, 358; dismissal of attorney, 136; guardian ad litem, 187; implied authority, 46; lien, 18; principal and agent, 358; services, 322; subornation of perjury, 358.

Bail—homicide, 340; recognizance, 214.

Bailment—action by bailee, 268; estoppel, 179, 396; liability, 322; lien, 232; loss, 179; seller, 376.

Bankruptcy—act of, 250; adjudication, 136, 232, 250, 268, 340; ancillary jurisdiction, 250; ancillary receiver, 46; amendment, 232; appealable order, 197; arrest on civil process, 268; attachment, 100; attorney fees, 272; chattel mortgage, 20, 232, 322, 396; commissioner, 46; composition, 376, 396; concealing assets, 20, 136, 232, 322; conditional sale, 250; contempt, 376; corporation, 396, 448; counsel fees, 430; courts, 136; creditors, 232, 358, 412; crops, 20; damages, 322; delay, 448; disallowance of claim, 412; discharge, 46, 82, 214, 232, 250, 376, 396, 412, 430; evidence, 412; exemptions, 64, 286, 376, 412; false oath, 232; final decision, 82; foreign corporations, 214; foreign stockholders, 286; fraudulent conveyance, 100; general assignment, 64; indorser, 396, 466; injunction, 268, 376; insolvency, 197; insurance, 136, 197, 397, 448; jurisdiction, 214, 250, 304, 396, 412, 430, 448; laches, 448; landlord, 136; lease, 232, 430; lien, 250, 286, 304, 430; mechanics' liens, 250;

- mortgages, 466; negotiable note, 466; partnership, 64, 376; pleading, 118, 322; poor debtor's bond, 46; practice, 412, 430; preference, 82, 100, 118, 136, 214, 232, 250, 304, 397, 412, 448, 466; priorities, 82, 430; provable claim, 20, 82, 214, 251, 322, 397, 430, 466; "public sale," 466; receivers, 20; referee, 197; release, 304; rent to accrue, 197; rents, 214; rescission, 448; review, 397; sales of assets, 136, 397; seizure by trustee, 268; separate trustees, 448; solvency, 412; special deposit, 358; special master, 232; state courts, 136, 268, 358, 448; state laws, 20; summary orders, 340; supplementary proceedings, 286; surety, 197; surrender of assets, 397; title to property, 232; trustee, 232, 340; trustee's title, 430; voidable sale, 286; wages, 82; waiver, 100, 397.
- Banks and Banking**—accommodation paper, 20; actions, 286; assumption of liability, 64; bona fide holder, 358; burden of proof, 322; capital and earnings, 268; collateral, 197; collections, 100, 214, 412, 430; conditional credit, 232; demand, 46; directors, 448; discounting paper, 268; estoppel, 100; false report, 251; fictitious payee, 340; forged draft, 46, 160, 179, 251, 358, 376; forgery, 304; laches, 448; national banks, 136; notice, 268; overdraft, 20; provisional credit, 82, 197; receivership, 286; rescission, 397; savings bank, 214; trust fund, 118, 268, 376; ultra vires, 397.
- Bastards**—general reputation, 397.
- Beneficial Associations**—constitution and by-laws, 179; ultra vires, 322.
- Bigamy**—indictment, 233.
- Bill of Lading**—duplicate, 233.
- Bills and Notes**—accommodation indorser, 64; actions on, 197; attorney fees, 233; bearer, 197; bona fide holder, 20, 136, 160, 197; burden of proof, 64, 179, 233, 268, 286, 376; checks, 466; condition subsequent, 233; conditional signing, 46; consideration, 46, 340, 412; days of grace, 118; defenses, 376; demand, 322; due course of business, 304; estoppel, 430; equitable defense, 112; evidence, 20, 322; failure of consideration, 466; forgery, 82, 340; holder, 46, 214, 233, 413, 448; illegality, 118; illegal consideration, 286; indorsement, 20, 82, 179, 233, 304, 466; innocent holder, 20, 268; jointmaker, 100; joint and several, 322; law of place, 413; makers, 268; negotiability, 64, 118, 214; negotiable instruments act, 20; non est factum, 251; non-negotiability, 448; notice, 160, 251, 413; oral transfer, 377; parol evidence, 286; parties, 100; payment, 20; place of contract, 136; pleading, 118, 136, 286; practice, 136; presumptions, 286; protest, 233; stipulation, 82; transfer, 214; transfer of title, 286; unconditional delivery, 413; unfilled blanks, 268; usury, 118.
- Bonds—coupons**, 64.
- Boundaries**—agreement, 100; acquiescence, 233; center of highway, 214; deeds, 64; dividing line, 413; estoppel, 100, 304; evidence, 431.
- Breach of Marriage Promise**—exemplary damages, 358.
- Breach of the Peace**—intruders, 160.
- Bridges**—rescission, 179.
- Brokers**—breach, 448; burden of proof, 448; commission, 64, 197, 251, 304, 322, 431, 466; compensation, 340, 466; consideration, 20; contract, 137, 413; custom, 233; customer, 214; double agency, 466; dual agency, 268; dual relation, 397; exclusive agency, 179; middleman, 377; misconduct, 322; offer, 20; procuring cause of sale, 137; procuring customer, 214; purchasing on margins, 358; ratification, 82; revocation, 118, 304; stock on margin, 304; usage, 179.
- Burglary**—indictment, 20.
- Cancellation of Instruments**—burden of proof, 449; decree, 340; fraud, 100; jurisdiction, 397.
- Carriers of Goods**—act of God, 377; adjusting claims, 100; assumption of risk, 413; authority of agent, 82; baggage, 64, 124; bill of lading, 323, 431, 443; common carrier, 448; consignee, 100; contract, 118; conversion, 20; damages, 215; definite route, 449; delay, 21; discrimination, 46, 198, 358; Elkins act, 46; estoppel, 397; exoneration, 431; increasing facilities, 340; inherent defects, 251; insurer, 137; initial carrier, 21, 287; initial claim, 304; intrastate rates, 323; lawful rates, 269; limiting liability, 47, 323, 358, 397; negligence, 21, 377; notice, 21, 251; overcharge, 64; parties, 397; parties to action, 137; pleading, 160; preadjustment of damages, 431; presumption, 179; proximate cause, 304; rates, 233, 449; rebate, 215; reconsignment, 47; regulations, 377, 413; right of action, 269; shippers, 413; shipper's order, 323; spur tracks, 287; stoppage in transitu, 449; terminal carrier, 118; termination of liability, 47; unavoidable accident, 21; unreasonable limitation, 47; warehouseman, 179.
- Carriers of Live Stock**—burden of proof, 269, 287, 413; evidence, 118; interstate commerce, 449; limiting liability, 21; pleadings, 100; twenty-eight hour law, 215.
- Carriers of Passengers**—accommodations, 100; agents, 413; alighting from train, 359; anticipating demands, 198; boarding train, 340; breach of contract, 449; burden of proof, 359; care, 47, 340; comfort, 233; com-

- merce, 198; contract for transportation, 198; ejection, 82, 160, 287; employee, 251; excursion train, 466; free passes, 251; freight train, 101, 179; negligence, 215, 377 ordinance, 287; pass, 64; passenger, 233; passenger tickets, 179; regulations by carrier, 269; relation of passenger, 466; rates, 466; sleeping car, 413, 466; stations, 340; stopping at stations, 198; sudden danger, 47; trespass, 47; variance, 305.
- Cemeteries—lot owners, 21.
- Certiorari—remedy, 215.
- Champerly and Maintenance—vendor's lien, 323.
- Charities—suffering humanity, 323; torts, 64; validity, 340, 466.
- Chattel Mortgages—after-acquired property, 449; attorney fees, 413; breach of condition, 118; condition broken, 47; condition precedent, 137; construction, 118; evidence, 47; failure to record, 198; fixtures, 397; foreclosure, 83; future crops, 287; growing grass, 233; manufacturer, 251; maturity of debt, 305; power of sale, 233; tender, 358.
- Citizens—non-citizens, 449.
- Commerce—alcoholic liquors, 287; bridges, 251; carriers, 64; contributory negligence, 198; convict-made goods, 119; designating freight, 269; employees, 305, 323, 377, 449; employer's liability act, 413; fish and game, 215; food and drugs act, 287; garnishment, 198; intoxicating liquors, 269, 287, 397; interstate transportation, 359; jurisdiction, 198; occupation tax, 21; rates, 21, 251; white slave act, 83.
- Common Carriers—bills of lading, 340.
- Common Law—prerogatives, 359.
- Composition With Creditors—parol, 198.
- Compromise and Settlement—consideration, 413; disputed account, 179; duress, 413; right to attach, 179.
- Conspiracy—accountability, 305; burden of proof, 341; defenses, 377; ingredients of, 83; overt act, 64, 305.
- Constitutional Law—attachment, 170; corporations, 137, 449; delegated power, 101, 377; double liability, 83; due process of law, 83, 160, 198; foreign corporation, 101; juvenile court, 269; legislation, 377; legislative construction, 449; municipal contracts, 83; obligation of contracts, 198; parole law, 83; police power, 305; statutes, 83; telegraph and telephones, 198.
- Contempt—appeal, 251; attorney, 83; civil contempt, 180, 413; conspiracy, 215; impeaching verdict, 101.
- Contracts—abandonment, 233; acceptance, 64, 359; accepting benefits, 467; action, 83; architect's certificate, 323; architects, 341, 377; assignability, 377; breach, 341, 449; building, 83, 180, 414; building contract, 47, 269, 305, 341; burden of proof, 305; cancellation, 341; consideration, 64, 83, 137, 160, 341, 414, 467; construction, 83, 137, 160, 198, 287, 323, 359, 449, 467; criminal law, 234; damages, 233; defenses, 397; duress, 21, 47, 137, 397, 467; election, 101; enforceability, 101; estoppel, 47, 467; evidence, 137; exclusive rights, 467; forfeiture, 449; illegality, 21, 233, 287; inducement, 180; intent, 431; invalidity, 397; law governing, 414; law of place, 198; lease, 397; letters and telegrams, 65; liability, 101; meeting of minds, 269; mistake, 359; modification, 137, 359; mutual mistake, 47, 137; mutual promises, 359; mutuality, 119, 215; nudum pactum, 233; offer and acceptance, 431; patents, 21; performance, 47, 101, 215, 377, 397; place of, 101; pleading, 397, 341, 431; pleading and proof, 269, 305; practical construction, 287, 341; public policy, 21, 65, 101, 251, 269, 377, 431; quantum meruit, 21; ratification, 269; rescission, 65; refusal to perform, 323; rescission, 160, 377, 397, 431; restraint of trade, 101, 160, 323; right of action, 119; sale, 21; seal, 305; separability, 215; simultaneous writings, 323; state and corporation, 215; statutory requirements, 341; subsidiary agreement, 251; substantial performance, 269, 323, 449; third person, 233, 269; unilateral, 180; wills, 305; waiver, 21, 251; waiver of performance, 287.
- Contribution—joint tortfeasors, 377, 431; mutual fault, 137.
- Convicts—attainder, 21.
- Conversion—equity, 431; equitable, 180, 287; reality and personality, 251; reconversion, 269.
- Corporations—action by stockholders, 119, 341; agency, 65; agent, 137, 359; annual settlement, 305; assignment, 137; authority of officer, 251; burden of proof, 47, 160; charter restrictions, 431; common manager, 414; confidential relations, 287, 377; consolidation, 47; counsel fees, 467; de facto, 83, 198, 215; decreasing capital, 47; directors, 449; discretion of directors, 198; dividends, 397; doing business, 21; dual domicile, 269; estoppel, 21, 341, 359, 414; equity, 180; equitable title, 251; evidence, 234; foreign corporations, 21, 269, 377; foreign state, 215;

general manager, 101; gratuitous shares, 377; guaranty, 101, 160; illegality of, 449; implied contract, 251; insolvency, 160, 234, 287; judicial supervision, 341; knowledge of officer, 305; law of domicile, 467; liability of directors, 251; liability of stockholders, 65; lien of stock, 137; merger, 323; notice, 341, 397, 431; officers, 341; pleadings, 359; preferred stock, 341; promoters, 119, 160, 234, 359, 414; prospectus, 47; receiver, 21, 215; removal of officers, 180; sale of stock, 377; secret profits, 269; separate entity, 341; slander, 137, 215; sole ownership, 101; statutory conditions, 449; stock certificates, 467; stockholders, 22, 198; stock purchases, 323; subscription, 47; torts, 47; trust relation, 305; ultra vires, 101, 305, 377, 449; unpaid, 160, 180, 251; void incorporation, 378; winding up, 450.

Courts—appeal and error, 305; judicial notice, 450; jurisdiction, 101, 270, 287; law of the case, 287; practice, 398; precedents, 47, 119; state as party, 305.

Covenants—Breach, 359; building line, 47; building restrictions, 137; construction, 101; enforcement, 198; restrictions, 270.

Creditor's Suit—solicitor's fees, 234.

Criminal Evidence—admissibility, 161; appeal and error, 287; falsus in nudo, 48; flight, 305; good character, 398; homicide, 305; instructions, 22, 288; joint defendants, 161; non-production of, 323; photographs, 137; silence, 341; similar acts, 180; similar facts, 180; similar offenses, 341; voluntary intoxication, 305.

Criminal Law—abortion, 323; accessory, 65; alibi, 161; appeal, 234; appeal and error, 306; attempt, 234; bigamy, 398; character evidence, 270; circumstantial evidence, 341; comity of courts, 262; corroboration, 414; cruel punishment, 414; dying declaration, 234; evidence, 22, 83, 398, 414; fabricating defense, 450; flight, 234; former acquittal, 161, 467; former jeopardy, 22; good character, 234; indictment, 180, 252; impeaching verdict, 288; insanity, 378, 398; instructions, 161; intent, 22, 341; jeopardy, 65; judge as prosecutor, 161; judicial notice, 48, 215, 450; jurisdiction, 215; merger, 198; misdemeanors, 359; nol. pros., 101; nunc pro tunc judgment, 378; overt act, 306; practice, 101, 161; preliminary examination, 270; principals, 22; pronouncing sentence, 378; punishment, 161; rape, 323; recent possession, 48; res gestae, 378; riparian rights, 269; shifting burden, 431; verdict, 252; wife as witness, 252.

Criminal Trial—forgery, 341; illustration by witness, 431; preliminary trial, 414; severance, 22; similar offenses, 398; verdict, 198.

Crops—fructus industriales, 450.

Curtesy—defined, 198.

Customs and Usages—contracts, 198; evidence, 180, 215, 359; presumption, 234.

Damages—aggravation, 450; anticipated profits, 101; compensation, 22; diminished earnings, 359; earning capacity, 48; estimating, 102; evidence, 161, 398; exemplary damages, 398; fright, 252, 288; insurance, 180; interest, 198; joint tortfeasors, 83; liquidated, 119, 138, 306, 342; loss of profit, 139; measure of, 119, 215, 323; medical services, 161, 252; minimizing, 22; mortality tables, 467; nominal, 270, 359; penalty, 215, 234, 467; pleadings, 102; pleading and proof, 270; profits, 288; punitive, 180, 198, 288; special, 323, 414; special damages, 252; subrogation, 378, 467.

Death—aliens, 83; asset of estate, 119; burden of proof, 83; damages, 119; employer's liability act, 414; expectancy, 161; eyewitnesses, 467; minor, 252; presumption, 102, 180, 198; presumption of, 359; presumption of care, 216; removing trespasser, 138; self-defense, 119; seven years' absence, 234; wantonness, 119.

Dedication—acceptance, 199, 270, 467; evidence, 48; implied, 467; intent, 288; parol, 288; plats, 450; platted streets, 199; revocation, 270; test of, 342.

Deeds—attesting witness, 342; blank space, 324; burden of proof, 378; condition precedent, 199; condition subsequent, 216, 234; confidential relation, 450; consideration, 378, 467; construction, 216, 398; delivery, 48, 83; duress, 414; estoppel, 22, 342; fraud, 359; habendum, 431; habendum clause, 467; intention delivery, 324; interlineation, 324; mutual mistake, 324; plats, 450; ratification, 83; recital of consideration, 288; registration, 161; reservation and exception, 48; reversion, 180; surrounding circumstances, 83; undue influence, 48, 216, 467.

Depositions—action, 288; deceased witness, 83; notary public, 234.

Descent and Distribution—burden of proof, 102; contingent estate, 467; deed by heir, 119; full faith, 161; heir, 360; lex rei sitae, 450; partial intestacy, 234; reservation in deed, 216; right of heir, 180; vested interest, 306.

Discovery—production of papers, 468.

Dismissal and nonsuit—prematurity, 288.

Disturbance of Public Assemblage—intent, 161.

Divorce—abusive language, 342; alimony, 119, 180, 306, 324, 342, 378; alimony installments,

- 450; burden of proof, 342; community property, 414; contempt, 119; counsel fees, 450; creature of statute, 180; cruel treatment, 342; custody of children, 306; defenses, 270; Decree pro confesso, 288; dower, 83; estoppel, 199; foreign judgment, 431; grounds for, 450; habitual drunkenness, 468; impotency, 48; infancy, 102; intoxication, 450; jurisdiction, 270; pleading, 102; modifying decree, 48, 119; nature of action, 398; property rights, 22; remedy, 342; residence, 161; res judicata, 468; setting aside decree, 48; sporadic quarrels, 119; trial, 180.
- Domicile—defined, 161; residence, 252; test of, 468.
- Dower—antenuptial agreement, 102; consummate, 306; contingent interest, 324; homestead, 102; tenancy in common, 199; tenancy at will, 468.
- Drunkards—contracts, 138.
- Easements—breach of contract, 360; dedication, 378; deeds, 414; destruction, 252; necessity for, 468; obstructing, 161; overhanging eaves, 84; permissive use, 468; private roadway, 431; quality of, 324; reservation by grantor, 270.
- Ejectments—accretions, 84; burden of proof, 342; common source of title, 252; dismissal of action, 450; equity, 119; equitable estoppel, 270; married woman, 22; nonsuit, 102; pleading, 432; source of title, 138; trespasser, 22.
- Election of remedies—cestui que trust, 450; estoppel, 119; vested rights, 48.
- Electricity—care, 22, 102, 180; insulation, 378; negligence, 199, 252; rates, 288; res ipsa loquitur, 216.
- Embezzlement—definition, 22, 398; demand, 360, 414; estoppel, 102; partner, 216; promissory note, 120.
- Eminent Domain—abutting owner, 342; additional exercise, 84; additional public use, 324; additional servitude, 199; comparing property, 48; compensation, 180; damages, 234; easement, 22; electricity, 84; police power, 234; public use, 120; restrictive covenants, 199; right of, 306; riparian rights, 324; statutory construction, 216; taking of property, 234.
- Equity—carelessness of attorney, 378; cloud on title, 432; consideration, 378; defenses, 342; displacing lien, 84; disposition of cause, 468; executory contracts, 252; forfeiture, 65; injunction, 199; jurisdiction, 22, 84, 270, 360; laches, 120, 342, 414; master's report, 252; multifariousness, 252; multiplicity of suits, 180; parties, 181, 398; probate administration, 252; remedy at law, 102; specific performance, 138; stale demands, 48, 138; trust property, 22.
- Estates—merger, 120.
- Estoppel—after acquired title, 360; bills and notes, 288; claimant of, 324; deeds, 450; donee of power, 306; effect of, 65; garnishee, 432; mortgagee, 288; mortgages, 234; nature of, 360; restitution, 84; water and water courses, 252.
- Evidence—abbreviation, 360; accrediting witness, 199; admissibility, 102, 120, 216, 398; admissions, 398; adverse presumptions, 120; assignment for creditors, 378; book entries, 65; books, 22; boundaries, 161; copies, 234; competency, 306; cross-examination, 84; deceased witness, 360; duplicate notice, 360; dying declarations, 468; experts, 342; expert testimony, 181, 378; foreign law, 65, 84; foreign statute, 306; good character, 161; handwriting, 306; hearsay, 432; hypothetical question, 48; judicial notice, 48, 65, 84, 120, 216, 252, 270, 288, 324, 360, 378, 450; negative testimony, 360; non-expert, 138; offer of compromise, 48; parol, 120, 234; part of conversion, 360; patent ambiguity, 270; possessing stolen property, 181; presumption, 22, 48, 66, 120; primary, 22; replevin, 324; res gestae, 102, scroll, 102; secondary, 22; suicide, 65; telegram, 22; telephone conversation, 288; wills, 138.
- Execution—caveat emptor, 199; crop on shares, 378; dormant judgment, 288; forthcoming bond, 432; levy and satisfaction, 398; pledge, 270.
- Executors and Administrators—actions by, 120; appointment, 342; bequest, 270; carrying on business, 378, contracts of, 360; collateral attack, 102; courts, 181; diligence, 468; domicile, 468; employing counsel, 199; equitable conversion, 138; funeral expenses, 102; good faith, 288; instructions, 306; parties, 120; probate court, 234; purchase by, 270; purchase by administrator, 84; redemption, 234; sales, 252, 288; substituted administrator, 270; surety on bond, 84; trust fund, 161, 181; void sale, 378; will, 138.
- Exemptions—insurance, 378; wages, 65.
- Explosives—negligence, 234; proximate cause, 161; what are, 235.
- Factors—lien, 102.
- False Imprisonment—action for, 84; justice of the peace, 199; civil process, 270.

False pretenses—defenses, 288; elements of, 65, 324; evidence, 378; inducement, 48; intent, 306; opinion, 342.

Fixtures—conditional sale, 216; constructive notice, 270; intention, 270; landlord and tenant, 216; printing press, 138; steel tanks, 234; theatre chairs, 342.

Food—liability of manufacturer, 22.

Forcible Entry and Detainer—collateral covenants, 450.

Forgery—evidence, 398; grantee in deed, 324; principal, 324.

Fraud—burden of proof, 360; caveat emptor, 235; confidential relation, 432; conspiracy, 360; damages, 65; deceit, 360; diligence, 468; directors, 216; estoppel, 288; false representations, 138, 378; measure of damages, 450; misrepresentation, 22, 84; opinions, 161; pleading, 398; presumption, 360; recklessness representations, 342; reliance, 432; reliance on representations, 414; secret agreement, 468; suppression of truth, 65.

Fraudulent Conveyances—badge of fraud, 199; cancellation, 102; creditors, 378; crops, 270; equity, 270; estoppel, 378; evidence, 120; husband and wife, 271; impeachment, 65, 102; notice of intent, 102; parties to action, 252, 432; preferring creditor, 120; presumption, 306; pro rata distribution, 181; recovery by grantor, 216; relationship, 48, 252; retention of possession, 398; setting aside, 288; voluntary, 306.

Frauds, Statute of—contract without, 84; debt of another, 102; defense, 22; debt of another, 360; debt of third person, 360; evidence, 65, 432; oral contract, 102, 138, 342, 414; original agreement, 288; independent agreement, 48, 162; interest in land, 324; lease, 65; memorandum, 102, 271, 288, 360; mutual wills, 398; oral acceptance, 199; parol contract, 138, 271; parol evidence, 306; parol gift, 120; parol evidence, 468; parol lease, 324; part performance, 138, 216, 288, 306, 398; partnership, 342; partnership in land, 324, 450; practice, 288; priority, 450; real estate, 65; rewards, 468; sufficient writing, 120; surety, 432; trees, 432; verbal lease, 102; waiver, 162.

Game—right to hunt, 102.

Gaming—borrowed money, 307; reputation, 66.

Garnishment—ancillary, 360; attachable effects, 324; conditional judgment, 253; debts subject to, 65; debts garnishable, 379; judgments, 432; safety deposit box, 48; savings

banks, 324; surety, 414; test of right to, 432; waiver, 432.

Gas—explosion, 66.

Gifts—confidential relation, 162; donatio mortis causa, 138; equity, 289; intervivos, 48, 379; pass book, 48.

Good Will—asset, 342; damages, 361; defined, 379; sale of business, 138.

Grand Jury—disqualification, 23.

Guaranty—condition precedent, 271; construction, 307; demand, 253; indorsers, 379; modification, 468; notice of acceptance, 432; primary liability, 414; release, 432; sureties, 415.

Guardian and Ward—constructive notice, 120; equity, 120; estoppel, 343; surrogate's jurisdiction, 324.

Habeas Corpus—custody of child, 48, 289; jurisdiction, 324; remedy, 289, 324, 361, 379; substitute for appeal, 235.

Highways—constitutionality, 181; liability of county, 102; negligence, 235; overloaded wagon, 199; prescription, 216.

Homestead—abandonment, 23, 84; alienation, 289; antecedent debt, 162; beneficiary, 102; condemnation, 216; descent and distribution, 23; divorce, 23; property subject to, 361; purchase money, 199; status of claimant, 324; tenancy in common, 162; waiver, 181; water right, 343.

Homicide—aggressor, 450; automobile, 235; bystander, 235; conspiracy, 361; cooling time, 343; defense, 307; dying declarations, 181, 235, 271, 432; intent, 48; killing bystander, 324; opprobrious words, 271; presumption, 253; provoking difficulty, 361; reducing degree, 450; robbery, 181; voluntary manslaughter, 450.

Husband and Wife—action, 235; agency, 216; alienation of affections, 379; alimony, 432; antenuptial contract, 84, 216, 379, 415; community property, 66, 307; contracts, 102, 138, 235, 468; domicile, 415; divorce, 289; entireties, 49, 27, 324; estate by entireties, 343; estoppel, 66, 120; gift, 307, 361; liability, 289; living apart, 451; marriage, 216; marital relation, 23; paraphernal property, 343; presumption, 23, 271; slander, 138; suretyship, 120, 468; wife's illness.

Indians—citizenship, 451, 468; sales, 49.

- Indemnity**—action for, 379; guaranty, 432; joint tortfeasors, 66; notice to indemnitor, 66; public policy, 138; replevin bond, 271; tortfeasors, 84.
- Indictment and Information**—accessory, 66; courts, 289; date, 49; forgery and uttering, 253; seduction, 66; variance, 271.
- Infants**—agents of, 289; avoiding conveyance, 49; disaffirmance, 162, 361; emancipation, 432; equity, 120; estoppel, 103, 253; guardian ad litem, 415; majority, 451; necessities, 23; ratification, 199, 432.
- Injunction**—attorney fees, 181; breach of contract, 49, 103; building restrictions, 253; damages, 181; encroachments, 162; equity, 235; fraud, 181; irreparable injury, 23; labor union, 168; laches, 253; liability on bond, 324; juvenile court, 271; mandatory, 343; nominal damages, 162; notice of order, 103; parties, 452; political rights, 271; public officers, 415; remedy at law, 23, 103; violation of ordinance, 415.
- Innkeepers**—guest, 23; insurers, 307; loss of goods, 324.
- Insane Persons**—contracts, 49; guardian, 49; guardian ad litem, 451; negligence, 289; sale by guardian, 162.
- Insolvency**—Evidence, 66.
- Insurance**—accident, 23; agency, 451; application for, 199; assignment, 451; assigning policy, 451; blanket policy, 361; burden of proof, 139; by-laws, 289; change of beneficiary, 103; changes in constitution, 181; conditions, 379; construction, 432; custom, 162; disease from injury, 324; estoppel, 103, 271, 325, 379, 451, 468; evidence, 289; fidelity company, 325; foreign corporations, 415; forfeiture, 162, 199, 235, 271, 361; fraternal, 49, 307; fraternal benefit, 66; fraternal society, 326; indemnity, 217, 325, 468; iron-safe clause, 120, 162, 432; insuring agent, 84; insurable interest, 325, 469; insurability, 379; interest in, 307; law governing, 84; laws of society, 84; material representations, 162; mortgage clause, 271; mortgages, 361; notice to injury, 162; notice of loss, 469; place of contract, 253; premium notes, 199; printed clauses, 307; proofs of death, 66; proximate cause, 239; ratification, 469; receiver, 235; reformation of policy, 415; regulation, 199; renewal, 469; special agent, 432; stipulation, 235; subrogation, 253, 415; tending assessments, 325; total loss, 271; unconditional ownership, 451; vacancy permit, 307; valued policy, 235; vested interest, 432; voluntary exposure, 217; wagering policy, 217; waiver, 66, 120, 289, 325, 343, 415, 432; warranties, 85, 103, 162, 325.
- Interest**—disputed account, 361; equity, 253; implied, 139; judgment in tort, 379; penalty, 432; unliquidated damages, 49; wrongful delay, 120; wrongful withholdings, 432.
- Intoxicating Liquors**—evidence, 49, 343, 469; near beer, 49; nuisance, 379.
- Joint Stock Companies**—officers, 469; preferred shares, 343.
- Joint Tortfeasors**—partial satisfaction, 103.
- Judges**—disqualification, 23.
- Judgment**—amendment, 307; authority of attorney, 361; bar, 181; collateral attack, 66, 120; default, 49, 235, 325; equitable relief, 271; estoppel, 253; evidence, 235, 307; federal court, 199; findings of law, 181; fraud, 343; full faith and credit, 307; injunction, 120; interest, 66; jurisdiction, 162; law of the case, 181; modification, 66; non obstante verdicto, 85, 271; opening default, 66; perjury, 379; process, 120; res judicata, 23, 49, 103, 235, 325, 451, 469; service by publication, 253; setting aside, 469; single recovery, 103; tortfeasors, 217; warrant of attorney, 120.
- Judicial Sales**—confirmation, 469; public policy, 325; voidable, 199; withdrawal of bid, 361.
- Landlord and Tenant**—abandonment, 451; apartment house, 103; breach of covenant, 162; common stairway, 253; contract, 235; covenant of renewal, 433; "damage by the elements," 343; duty to repair, 343; estoppel, 289; eviction, 235; evidence, 66; fire escapes, 23; forfeiture, 85; holding over, 379; injunction, 451; injury to freehold, 162; injury to tenant, 469; lease, 181; merger, 66; possessory right, 49; mutuality, 23; nuisance, 66; oral agreement, 49; oral letting, 433; partial eviction, 289, 307; possession of landlord, 217; prescriptive title, 379; repairs, 451, 469; rescission, 325, 343; secret lease, 325; statute of frauds, 66, 325; subletting, 235, 271, 379; surrender, 235; unlawful detainer, 271; waiver, 103, 343; warranty in letting, 361.
- Larceny**—asportation, 253; confederate, 433; evidence, 379; possession of stolen property, 298; recent possession, 162; variance, 289.
- Libel and Slander**—action for, 103; actionable, 66; apology, 271; burden of proof, 469; charge of drunkenness, 415; evidence, 469; good faith, 49; imputing malice, 121; injury invited, 271; innuendo, 217; issues, 66; justification, 289; libel per se, 23, 162, 139, 361, 433; malice, 85, 433; mitigation, 67; newspaper article, 469; other publications, 85; posting mortgage foreclosure, 217; privilege, 307, 415; punitive damages, 217; report of judicial proceedings, 139; slander of title, 181, 235; slander per se, 217; special damages, 85.

Licenses—franchise, 307; revocation, 23.

Liens—agreement for, 451.

Life Estates—enlargement, 121; income, 415; joinder of parties, 121; payment of liens, 121; stock earnings, 49.

Limitation of Actions—accrual of action, 103, 163, 253; accrual of right, 49; amendment, 67; amending pleading, 271; administrator's debt, 433; change of party, 451; continuing nuisance, 325; discovery of frauds, 67; executors, 103; new cause of action, 451; non-residence, 49; payment of interest, 103; shortening period, 379; starting point, 199, 379; 415; suspension, 361; time and essence, 67; United States as party, 451.

Livery Stable Keeper—mental distress, 289.

Logs and Logging—license, 67.

Lotteries—contract, 217.

Malicious Prosecution—action for, 181; advice of attorney, 67; attachment, 325; attorney fees, 415; burden of proof, 289; evidence, 85; inferring malice, 85; injunction, 271; investigator of, 379; pleadings, 271; process, 469; probable cause, 85, 217; unconstitutional statute, 181.

Mandamus—beneficial association, 67; ministerial duty, 469; remedy, 85; public juris, 415; superintending control, 67.

Marriage—annulment, 469; common law, 181; foreign law, 379; *pari delicto*, 139; presumption of legitimacy, 343; proof of, 307; status, 415.

Master and Servant—action for salary, 121; amusement park, 433; assumption of risk, 85, 139, 253, 272, 307, 325, 343, 361, 451; blasting, 235; burden of proof, 235; constitutional law, 379; contributory negligence, 23, 199; dangerous machinery, 307; defective appliance, 217; discharge, 325; duty of master, 85; employee defined, 469; employers' liability act, 200; federal employees, 307; fellow servants, 103, 235, 253, 451; guarding machinery, 103, 272; hours of labor, 253; independent contractor, 55, 217; injuries, 67; instructions, 67; liability, 139; master's business, 163; master's duty, 23, 469; mere accident, 67; minor, 181; negligence, 289, 469; ordinary care, 23; other employment, 200; place of accident, 199; pleading, 67, 451; police power, 307; presumption, 23; promise to repair, 85; proximate cause, 235, 325, 469; *res ipsa loquitur*, 253; respondent superior, 325; rules and regulations, 235, 307, 343, 415; safe appliances, 121; safety appli-

ance act, 433; unguarded machinery, 23; safe-guarding machinery, 200; safe place, 49, 200, 272, 289, 433; specific directions, 253; statutory requirement, 181; verdict, 139; vice principal, 139, 181, 236, 253, 325; violation of rules, 379; warning, 139, 343; wounded employee, 253; wrongful discharge, 200, 379.

Mayhem—statutory construction, 307.

Mechanics' Liens—commerce law, 325; construction, 182; destruction of building, 343; enforcement, 415; excess payments, 380; legal rights, 380; materials furnished, 217, 289; notice to owner, 49, 469; right to file, 343; several structures, 433; statutory action, 451; subcontractor, 85; substantial performance, 325, 451; surety, 103; test of, 139.

Mines and Minerals—forfeiture, 139; location, 217; natural gas, 103; partnership, 415; rescinding lease, 139; rule of property, 67; surface rights, 253.

Money received—action for, 67, 217; duress, 325.

Monopolies—anti-trust act, 85; contract, 139; infringers, 451; police power, 451; practice, 325.

Mortgages—absolute deed, 85; additional loans, 103; aliened property, 49; appointment of trustees, 253; assignment, 139; assumption, 236; assumption by purchaser, 469; attorney fee, 415; caveat emptor, 415; comity, 272; condition broken, 289; conditional sale, 325; deed, 121; district contracts, 49; estoppel, 290; executors and administrators, 307; failure of consideration, 289; foreclosure, 139, 415; forfeiture, 217; fraudulent grantee, 380; illegality, 23; indorsement on note, 451; injunction, 200; *lex loci*, 85; maturity of debt, 433; maturity of note, 182; mechanics' lien, 451; parol evidence, 451; payment, 23, 290; personal liability, 121; place of contract, 121; possession under, 182; priority, 182; release, 307; reserved privilege, 49; security for debt, 325; surrounding circumstances, 121; void agreement, 23; wrongful foreclosure, 121.

Municipal Corporations—automobiles, 182; building line, 23; change of grade, 67; contracts, 23; corporate function, 182; defective street, 139; doubtful powers, 344; driver on street, 49; estoppel, 361; excavations, 49; franchise, 469; liability, 67, 307; legislative power, 200; notice, 272, 325; nuisance, 200, 272; obstructing streets, 85; ordinance, 139; pedestrian, 23, 67, 163; police power, 290, 469; primary liability, 163; public service corporations, 361; public travel, 85; special assessment, 182; street improvement, 307; streets and highways, 103.

Names—change of, 380; initials, 253; suffixes, 290.

Navigable Waters—alienating bed of stream—139; artificial island, 103; bed of stream, 67; drawbridge, 200; boom companies, 121; boundaries, 49; islands, 452; meanders, 290; riparian owner, 85, 361; salt water, 50.

Negligence—Action for, 103; aggravation of injury, 308; attractive nuisances, 326; child, 121, 217; concurrence, 452; co-operating cause, 50; contributory, 272, 290; defined, 361; fire escape, 469; general verdict, 50; imputability, 85, 121, 103, 362; inference of, 361; invitee, 217, 362, 380; last chance, 218, 290; licensees, 308; manufacturer, 67; omission of duty, 272; obvious danger, 67; ordinary care, 236; presumption, 121, 362, 433; proximate cause, 200, 253, 326, 416, 452, 469; reasonable care, 24; rescue of another, 452; right of action, 85; sure to child, 67; voluntary exposure, 67.

New Trial—damages, 380; separable issues, 433.

Notice—duty of inquiry, 344.

Notaries—negligence, 200.

Novation—defined, 85; discharge, 24; new party, 163; test, 182.

Nuisance—abutting owners, 380; damages, 24; defenses, 362; eminent domain, 182; injunction, 254; livery stable, 433; noxious gases, 272; special injury, 272, 326.

Officers—de facto, 433; liability, 50.

Officers Salary—presumption, 326.

Parent and Child—contributory negligence, 163; imputable negligence, 200; in loco parentis, 452; liability, 452; minor child, 433; physicians, 103; settlement, 182.

Parties—amendment, 163.

Partition—determinable fee, 86; divisibility in kind, 68; husband and wife, 103; parties, 163; remainderman, 470; sale, 470; setting aside sale, 200; unknown owner, 103.

Partnership—assumption of indebtedness, 85; attempted incorporation, 254; authority of partner, 290; bills and notes, 200; burden of proof, 272, 344; defective incorporation, 416; dissolution, 200, 433; estoppel, 121; evidence, 236; exemption, 326; facts constituting, 326; holding out, 68, 254; joint and severable debt, 416; legal entity, 380; libel, 103; notice, 68; priorities, 433; realty, 68, 272; surviving partner, 85; test, 217, 326; tortfeasors, 416.

Party Walls—agreement, 50; opening windows, 416; possession, 308.

Patents—anti-trust law, 218; burden of proof, 139; novelty, 218.

Payment—application of, 104; burden of proof, 68, 236, 380; check, 433; mistake, 433; presumption, 139, 163.

Pawnbrokers—conversion, 326.

Penalties—pleading, 416.

Perjury—burden of proof, 121; evidence, 121; former acquittal, 86; materiality, 452.

Perpetuities—rule of, 163; rule against, 254; suspension of alienation, 121; wills, 433.

Physicians and Surgeons—agent of patient, 344; emergency, 326; malpractice, 452; negligence, 140; x-ray, 272.

Pleading—abatement, 182; evidence, 344.

Pledges—action, 218; conversion, 200; foreclosure, 163; innocent pledgee, 254; nature of, 362; sale of collateral, 236.

Principal and Agent—agency, 254, 290; apparent authority, 68, 104, 121, 140, 470; burden of proof, 433; contracts, 218; delegating authority, 104; disclosed principal, 470; disclosure of principal, 434; good faith, 182; implied authority, 86, 140, 470; liability, 121, 163; notice, 308; 434; proxies, 380; power of attorney, 50; ratification, 308; revocation, 380; rescission, 362; scope of authority, 86; scope of agency, 200, 218, 236; sealed instrument, 308; secret instructions, 326; tort by agent, 24; undisclosed principal, 50, 68, 236; usury, 163.

Principal and Surety—burden of proof, 236; collateral securities, 163; co-sureties, 452; consideration, 24; contribution, 86, 272; discharge of surety, 104, 218; employee's bond, 254; evidence, 344; guarantor, 416; injunction, 272; negotiable instruments law, 236; release of surety, 24, 163, 290, 434, 470; rights of surety, 163; strictissimi juris, 104; surety company, 344.

Process—strict construction, 24.

Prostitution—common law, 308.

Quieting Title—burden of proof, 121, 254; estoppel, 380; parties, 308; possession, 470; re-

- moving cloud, 68, 218; unoccupied lands, 326.
- Reference—accounts, 24.
- Railroads—assault and battery, 140; child, 24; comparative care, 24; crossing, 163, 236; inspection, 470; interest, 163; kicking cars, 200; licensees, 163, 236, 272; locomotive sparks, 380; merger, 416; negligence per se, 308; notice, 308; street crossing, 68; trespasser, 308, 434; trespassing animals, 86, 470; violating ordinance, 121; wantonness, 50; warning, 68, 236.
- Rape—corroboration, 308; evidence, 140; statutory rape, 470; threats, 344.
- Receivers—caveat emptor, 452; leave to sue, 362.
- Receivership—liens, 470.
- Receiving Stolen Goods—intent, 380.
- Receipts—parol evidence, 86, 308.
- Reference—practice, 50.
- Reformation—equity, 182.
- Reformation of Instruments—evidence, 380; laches, 163; mistake of judgment, 344; mutual mistake, 163, 272, 326, 416, 434, 470; right of action, 272.
- Release—consideration, 104, 163; false representations, 104; impeaching, 86; joint tortfeasors, 86; mistake, 104; tender, 50; unliquidated damages, 362.
- Religious Societies—ecclesiastical courts, 434; lex domicilia, 68; temporalities, 104; title to property, 121.
- Remainders—gift over, 121; termination, 290; validity, 470.
- Removal of Causes—employer's liability act, 416; federal question, 326; fraudulent joinder, 254; judicial code, 452.
- Robbery—overt act, 68.
- Replevin—action in, 50; demand, 434.
- Rewards—revocation, 290; action, 182, 326.
- Sales—agreement, 164; breach of contract, 182, 326; 344; 362; 380, 416; conditional acceptance, 344; condition precedent, 380; conditional sales, 290, 308, 470; cancellation, 254; consideration, 68; contract, 50; damages, 86; damages on rescission, 200; deed, 164; default by purchaser, 362; delivery, 416; delivery, f. o. b., 164; dishonored check, 104; estoppel, 434; evidence, 236; false representation, 434; implied warranty, 50, 254, 326; individual contract, 326; inferior goods, 104; inspection, 122, 344; intent, 50; material representation, 416; measure of damages, 308; mistake of fact, 272; notice of unlawful, 164; offer, 416; option, 50, 104; performance, 416; place of delivery, 380; price, 344; priority, 24; refusal to accept, 434, 470; repudiation, 122; rescission, 122, 164, 218, 254, 308, 380, 434; retention of title, 254; sales act, 416; sample, 380; seller's disability, 434; severable, 236; "sold," 104; special manufacture, 140; stoppage in transitu, 452; time of rescission, 164; transfer of title, 122; violation of contract, 24; waiver, 24, 164, 308; warranties, 122, 218, 236, 434.
- Seduction—condonation, 236; damages, 24.
- Set-Off and Counterclaim—law of forum, 362; loss of profits, 24; partnership, 68; recoupment, 122, 380.
- Sheriffs and Constables—colore officii, 50; wrongful levy, 122.
- Shipping—charter party, 122.
- Specific Performance—action for, 236; adequate consideration, 308; arbitration, 344; burden of proof, 380; condition precedent, 254; conditions of, 326; contract, 140; delay, 122; depreciation of property, 86; enforcement, 122; equity, 218, 254, 434; evidence, 24; judicial discretion, 362; laches, 50; necessary parties, 452; parol agreement, 164; parties, 50, 68; part performance, 272; personal property, 50; sale of land, 50; statute of frauds, 272; time of essence, 308; unperformed condition, 452; vesting title, 344; waiver, 254.
- Statutes—repeal by implication, 140.
- Street Railroads—competition, 236; franchise, 470; motorman, 434; negligence, 470; negligence per se, 362; presumption, 164, 362; proper warnings, 86; right to street, 164.
- Subrogation—limitation on, 452; mortgage, 24; surety, 452.
- Subscriptions—fraud, 164; nature of, 182.
- Sunday—contracts, 182, 272, 362.
- Taxation—capital stock, 434; inseparability, 362; intangible property, 344; shares, 68.
- Telegraphs and Telephones—agency, 24; burden of proof, 182; commerce, 24; damages, 380;

- delivery of telegram, 470; franchise, 290; free delivery, 290; free delivery zone, 434; injury to pedestrians, 50; mental anguish, 140, 164; mental suffering, 122; negligence, 236; non-delivery, 236; police power, 182; punitive damages, 140; rates, 290.
- Tenancy in Common**—actions between tenants, 140; adverse possession, 326, 344; conveyance, 24; conversion, 272; exclusive possession, 380; extracting oil, 218; improvements, 434; tax sale, 434.
- Territories**—Alaska, 164.
- Theaters and Shows**, lessor, 104; seatholder, 290.
- Time**—computation, 308, 344.
- Torts**—copyright, 452; *damnum absque injuria*, 470; joint tortfeasors, 254, 362.
- Trade-Marks and Trade-Names**—appropriation, 140; injunction, 362; unfair competition, 254, 416.
- Trade Unions**—*ultra vires*, 326.
- Trespass**—aiding and encouraging, 68; damages, 104; defined, 362; election of remedy, 254.
- Trover and Conversion**—damages, 140; defined, 122; personal property, 290.
- Trusts**—acceptance, 164; attorney and client, 140; attorney fees, 434; commingling funds, 86; confidential relation, 272; discretion of court, 362; dissolution, 308; dividends, 218; election of remedies, 452; evidence, 24, 68; express, 218; fiduciary relation, 452; fraud, 218; guardian de sou tort, 104; insurance, 44; joint adventures, 86; laches, 416; mingling funds, 272; parol evidence, 272, 308, 344; parol trust, 452; parties, 68; partnership, 344; precatory trust, 86; resignation of trustee, 290; resulting trust, 122, 164, 200, 218, 416, 452; statute of uses, 308; title, 122; trustees, 140; wills, 182, 200.
- United States**, estoppels, 326; implied contract, 86.
- Usury**—contract for, 218; device to conceal, 164; existence of, 182; guaranty, 24; intent, 362; parol evidence, 24; pleading, 104.
- Vendor and Purchaser**—abatement of price, 254; abstract of title, 434; assumption of debt, 326; burden of proof, 140, 218; caveat emptor, 104; certificate, of title, 86; constructive notice, 24, 104, 140, 272, 434; fraud, 236, 344; innocent purchaser, 470; liens, 164; marketable title, 68, 290; misrepresentation, 434; notice, 68, 290; notice from possession, 104; notice of trust, 104; option, 122, 380; prescription, 50; record title, 24; refusal by purchaser, 86; rescission, 164, 236, 326, 344; sufficient deed, 104; tender, 164; time of essence, 122; unrecorded deed, 380, 416; vendor's lien, 416, 470.
- Venue**—simulated transfer, 326.
- Verdict**—special findings, 24; ultimate facts, 86.
- Warehouseman**—instructions of bailor, 362; warehouse receipts, 290.
- Waters and Water Courses**—appropriation, 416; common law, 308; consumers, 122; diversion, 164; negligence, 182; overflow, 24, 68; parties to action, 326; percolations, 326; prescription, 344; prior appropriation, 50, 236; ravine, 344; riparian owner, 236; rules for employees, 182; surface water, 398; waiver, 362.
- Wills**—accumulating income, 122; adopted children, 68, 326; burden of proof, 398; 470; capacity, 50; codicil, 380, 434; condition subsequent, 362; consent by infant, 122; construction, 24, 86, 104, 164, 200, 218, 236, 272, 290, 326, 344, 416, 452, 470; contest, 254; contract, 290, 398; deed, 164; devisees, 200; estoppel, 218, 470; executors and trustees, 122; extrinsic evidence, 434; family settlement, 182; fraud, 416; future estates, 104; gift causa mortis, 50; holographic will, 218; illegal in part, 140; indefiniteness, 362; insane delusion, 86, 140; intent, 182; intention, 68, 164, 398; interlineations, 254; intestacy, 308; joint will, 398; *jus disponendi*, 86; legacy, 122; legatees, 434; legitimate influence, 86; *lex rei sitae*, 470; noncupative will, 122; posthumous child, 470; presumption, 218, 470; probate, 18; promise of legacy, 163; promissory note, 254; process, 308; reciprocal wills, 86; residuary clause, 416; restraint on marriage, 164; revocation, 122, 308; Shelley's case, 452; specific legacy, 68, 290; specific performance, 308; testamentary capacity, 68, 86, 140, 380, 398; trustees, 254; undue influence, 24, 86, 122, 140, 326, 416; validity, 140; widow's election, 272.
- Witnesses**—cross-examination, 140.
- Work and Labor**—conferring benefit, 290; gratuity, 104.

